FELLOWS ON BLUE SUNDAYS

POLICE HAVE GONE BETOND THE SPIRIT AND THE LETTER, TOO.

Had Better Rend the Definition of Works or Necessity and Charity -Twelve Indietments Out of Eighteen Excise Cases Transferred from Special Sessions Thirtyone More Transferred Yesterday Polite Soub to the Justices of that Court.

District Attorney Fellows, who returned from Europe a week ago, was at his office yesterday, not at all piensed with the reversion of the city to blue-law days.

The Sunday law is not enforced properly by the police," he said. " There ought to be a more estent construction put on it. The provisions of the code in regard to Sabbath breaking are ery plain, and ought not to be misinterpreted. In relation to the sale of liquor they forbid the giving away, selling, or exposure for sale of liquor in a licensed saloon, and of course it is a violation of the law for an unlicensed saloon to sell The law is explicit enough, and ought to be observed. But with regard to the other govisions of the Sabbath law as formulated in the Penal Code for the prevention of secular work on Sunday, in my opinion they are very harshly and improperly interpreted. The law is plain enough. It prevents any sort of labor on Sunday except works of necessity, acts of charity, or what is needful for the good order, health, and comfort of the community. In

works of charity and necessity might be includ-ed such a thing as the sale of ice on such hot days as yesterday was, for instance. I understand the police arrested somebody yesterday for packing away meat so that it would not become tainted. If that is not a work of necessity I don't know what is. There is no need, to my mind, of such a misinterpretation of the law as that plainly is. The prime object of the law is to prevent such work as will offend the religious sense of the community. The law should be construed literally, including in works of necessity and charity, as it says in so many words, 'whatever is needful for the health, good order, and comfort of the community.' Those persons who are arrested, as I think unjustly, should carry the matter up to the higher courts and make test cases. I suppose the police find some sanction for their action in section 267 of the code, which forbids public selling with certain exceptions. But this section must be construed with section 263, which permits and defines works of necessity or acts of charity. The police are going beyond the spirit of the law. Works of necessity, as defined, ought to be tolerated if conducted in an orderly way.

'In relation to the selling of liquor it is an entirely different matter. The law is imperative and mandatory, and there is nothing to do but to enforce it. But even in this the police are going beyond the spirit of the law. I noticed that they arrested waiters in table d'hôte restaurants where claret was served with meals I can't understand by what provision of law they do this. You can go to a hotel and get wine with your meals, and I don't believe a plain interpretation of the law with regard to the restaurants would result in the conviction of the proprietor. It seems to me that it was not the purpose of the Excise law to prohibit the sale of liquor with meals."

"Do you favor a more liberal Excise law?" he was asked.

was asked.

"Yes: I have always been an advocate of a more liberal Excise law. In no city of Europe that I have visited is there so little individual freedom as in ours. Our political liberty is much larger, but our personal rights are infinitely more restricted in this city than in any of the cities of Europe."

"What law would you recommend to solve the ouestion?"

"What law would you recommend to solve the question?"

"Well, I think one allowing light wines and beers to be sold at certain hours on Sundays would solve it. I would have such hours fixed as would not interfere with the religious customs of our people. That is, I do not believe the saloons should be opened during church hours or during the hours consumed in going to and from church. The saloons should be allowed to the company for a commandity when the time. Then open for a comparatively short time. Then when such a law is passed it should be enforced with the greatest strictness. The penalty for violating it should be extremely severe."

"What are you going to do about the large number of excise cases that are transferred from the special Sessions to the General Sessions?"

sions?" I expect that when we get the three parts of the courts running we shall be able to try some of them. All I can say is that if the City Magistrates continue to hold the cases for trial and they are transferred to the General Sessions, we shall do our tumost to have them indicted in regular order by the Grand Jury and tried as speedily as possible by a jury." SPECIAL SESSIONS BEREFT OF THIRTY-ONE MORE

Justice O'Brien of the Supreme Court trans-ferred thirty-one more excise cases yesterday from the Special Sessions to the General Ses-

coins.

Col. Fellows made no reply yesterday to the demand of Justice Jerome of the Special Sessions, who required Assistant District Attorney Berlinger on Friday to ask Col. Fellows what progress had been made in the excise cases transferred to the General Sessions. Mr. Berlinger was asked to report yesterday morning, but he had no reply to make to Justice Jerome when court opened. When Col. Fellows was asked if he had anything to say about the demand of Justice Jerome he remarked:

and of Justice Jerome he remarked:
'I have paid no attention to the matter, but I ould think if the Justices read the daily parts they would learn what progress we are pers they would read making."

Justice Jerome waited until just before recess

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And then addressed Mr.

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Justice Jeroms waited until just before recess for a reply to his letter, and then addressed Mr. Berlinger, who represents the District Attorney in Special sessions:

"On Friday of last week," said the Justice, "on behalf of this court I asked you to confer with the District Attorney of this county in relation to the transfer of several excise cases from this court to the Court of General Sessions. We have conferred with one of the Judges in the higher court, and we deem it our duty to call the attention of the District Attorney of this county to the fact of the removal from this court of a number of these excise cases. We know that he has but recently returned from Europe, and the cases were transferred in his absence, and a determined effort was made last week by counsel to block the proceedings of this court. These cases passing through this court in the regular order cause considerable labor to our force of clerks and attendants. Subpenas have to be served and all preparations for a trial gone through. We considered it our duty to inquire what was being done in the transfers and what disposition was made of these cases. It was for that reason we suggested that you make inquires of the proper and nigher official. We asked you to call his attention to these facts, and inform us what, if any, disposition has been made of these cases." "I can only answer that, as far as the District Attorney is concerned, the cases that have been removed so far are being taken up as speedily as possible," replied Mr. Berlinger.

Justice Jerome thereupon repeated some of his preceding siseech, and said that he would keep on inquiring from time to time. Mr. Berlinger, you are an able and efficient official," said Justice Jerome.

Mr. Berlinger binshed, bowed and smiled, and his whiskers seemed to grow three inches longer. Jenone GETS AN ANSWEB AS A PRIVATE CITIZEN. An hour afterward Justice Jerome inter-routed the court proceedings again and read the

An hour afterward Justice Jerome inter-rupted the court proceedings again and read the following letter aloud:

Dean Juna. For your personal information and in answer to your implicy as to the present status of certain cases in our office, which I gladly furnish, when alte, to all good criticens who make like inquiries. I have to state that up to date we have received eighteen except two, which appear to have been sent without an order of court, were this day put on the Grand Jury calendar. Several officers fulled to appear but in fwelve cases actually considered by the Grand Jury the ordered bills. These cases will be moved on in due and orderly course under direction of District Attorney Fellows. Very respectfully, yours.

Atto. 12, 1840. Harry W. Usaga. "I dealer to state "said Justice Jerome, "that

Atto. 12, 1830.

"I desire to state," said Justice Jeromo, "that I do not consider this an official reply to my letter, which was sent on behalf of the court, and I recognize this only as a personal note." And so the matter ended. The Judge of the higher court which "we" conferred with was Recorder Gist, with whom Mr. Jerome has been in conference lately.

clately.

"We decided that we had the right to ask the District Attorney what progress was being made in these cases," said the Justice afterward.

"Is there anything on the statute books which gives you such authority?" he was asked.

"Not such things are not, as a rule, on the statute books. Our sole idea was to inform the District Attorney that the saloon keepers were endeavoring to escape the law by blooking up the courts. The Legislature established this court to dispose of the mistermeanor cases, and the oftendors are escaping by having their asses transferred to the higher court where they hope there will be such an overcrowding that they yill never be tried. For the last ten or twelve years the District Attorney has been complaining that the upper courts were overwhelmed with misdemeanor cases, and that he has been unable to try them. I think if he made an example of two or three cases and said for the imprisonment of the saloon keepers upon conviction, there would be a stop to these transfers. I know that when it was in the office the indictionation revise cases used to accumulate so rapidly that they used to be taken down by the hubble height and to

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NICHOLAS KIPP STRUCK DEAD OVER HIS SLEEPING SON. William Tiley Killed in Hin Bed at Cran-ville, Conn. Other Persons Prostroted— Many Valuable Buildings Burned and Many Cattle Killed Great Bamage Bone The widesprend thunderstorm during the early

> ours of yesterday morning resulted in the death of Nicholas Kipp of Winfield, L. I. Kipp was 46 years old, and lived with his wife and three children in a small two-story frame house on the Shell road in Winfield. There was company at the house on Sunday night, and Mr. Kipp's son, Frederick, 16 years old, and his two cousins, 14 and 6 years old respectively, were obliged to occupy two heds in the attic. Just after the storm began Frederick got up and closed the windows at one end of the attic, where the rain was beating in. Immediately under these windows the stairway ends. Both the beds

were at the other end of the attic.

A few minutes later Nicholas Kipp came up from down stairs to see that the windows were closed. Finding those near the stairs all right, he went over to the other end, where the boys were sleeping. Just then the lightning struck the peak of the roof at the end near the stairs. The the police on Sunday was 136. There were 123 bolt evidently divided, part of it going straight downward, breaking the glass in the windows and tearing off plaster and laths down the inside of the house. The other part went along the roof, splintering rafters and shingles, and finally striking Kipp at the other end of the

He fell over upon the bed where his son was sleeping. He was dead when the family and neighbors came to his aid. Young Kipp was also stunned for a few minutes, but the other two boys were unharmed, although the four were within five feet of each other.

The only evidence of the stroke upon Kipp's body was a slight discoloration on the neck. The lightning in passing along the roof started a few flames, but they were extinguished before any damage had been done. A calf was found dead later in the barn, which stands within a few feet of the house. The

other animals in the barn were all right, and, as there was no evidence that the building had been struck, it is supposed that the calf died of fright. The house of August Biederman at East Twenty-eighth street and Newkirk avenue,

Vanderveer Park, Brooklyn, was twice struck by lightning. The first bolt glanced off the chimney, tore up part of the roof, and descended to the flagstone walk in front of the house, reducing one of the stones to powder. The second bolt struck the roof on the cast side, dropped to the bathroom, ripping up the floor, and escaped between the first and second story on the north side of the building, leaving a hole big enough for a man to crawl through. The inmates were badly scared, and were still suffering last evening from the shock.

Many big trees in Flatbush were ripped up by the lightning and the electricity started the ringing of the Town Hall bell and brought out the police and the firemen.

The Brevoort apartment house at Brevoort place and Bedford avenue was struck by lightning and damaged to the extent of \$150. In Long Island City Contractor James A.

Brady's house, at Broadway and Lockwood street, was struck, and Miss Jennie Brady, 20 years old, was stunned. The side of the house was badly damaged. A tall flagpole in front of Schwalenberg's Park in Jackson avenue was split from the tip to the bottom.

From all parts of Long Island come reports of buildings burned or more or less damaged by lightning, and of cattle and horses killed.

At Southampton the cottage of William Halsey was struck by lightning. The bolt passed down the chimney and entered the bedroom occupied by Mrs. Halsey and children. Mrs. Halsey was so affected that she became deaf. The children escaped injury. The house was badly damaged. At Centre Morches a damage of many thousand dollars was caused, Only the heavy rain prevented several houses which were set on fire by the lightning from being consumed. At Riverhead the front of the Swedenborgian Church was shattered by lightning. Several barns in the outskirts of the village were hurned with their contents, including a number of horses.

Off Eastport William Gorden's yacht was struck and her mast and boom carried away, At Southampton the cottage of William Halsey

struck and her mast and boom carried away. She was also set on fire, but her crew succeeded in extinguishing the flames.

LIGHTNING IN THIS CITY. Lightning overcharged one of the big electric trolley wires running into the Union Trolley Company's car house, at Boston road and Woodruff avenue, at 1:30 o'clock yesterday morning. It entered the upper floor with a sharp flash, and burned out some electric connections, and set fire to some of the wood work. The fire engines were called out, but the fire was extinguished before more than trifling damage was done.

done.
The flagstaff on the Thirteenth street side of Macv's building was struck by lightning at 2:30 Lightning struck the residence of Charles M. both at Unionport early yesterday inorning adiy damaging the house. The bolt struck the sof and bassed down through two floors into the celiar. No one was injured.

roof and passed down through two hoors into the celiar. No one was injured.
Living next door to Mr. Booth is the family of James Mechan, a section boss on the railroad. Mr. and Mrs. Mechan were asleep when the bolt struck Booth's house. Mrs. Mechan was awakened by the shock and became so badly frightened that she fell over and expired from

fright. The lightning also struck the Woodblue Hotel it Unionport, doing little damage, but scaring he inmates almost to death and splintering the largests. the inmates almost to death and splintering the flagpole.

Just as the 1 A. M. car was leaving West Chester for West Farms a lost of lightning struck the car, throwing it off the track. The motorman and conductor and six passengers were more or less stunned.

LIGHTNING ELSEWHERE,

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LIGHTNING RISEWHERE.

RETHLERIEM, Pa., Aug. 12.—Reports from the country say that last night's atorm was the severest of the summer. Rain and hall fell, and the lightning was terrifie. In Hanover township lightning knocked down Annie Piscura while she was walking across a field, carrying an open umbrella. She lies helpless and speechless, and cannot recover. Reuben Stocker's house at Hangov was struck by lightning and Mrs. Stocker was shocked into unconsciousness, but will recover. Trees were uprooted by the wind, and the hall damaged the corn crop considerably.

Nouvale, Conn., Aug. 12.—In a violent electrical storm this morning William Tiley of Cranville was struck by lightning and instantly killed. The storm was one of the most severe of which there is any localpreoud. It never rained harder here, and the thunder and lightning were incressant. The streets were badly washed. They resided on the old Hranchville and Ridgefield road with his mother and wife, whom he married a year ago. All were asleep when the lightning bolt ploughed its way down through the roof and entered the bedroom the which Mr. and Mrs. Tiley were sleeping. The bolt killed Mr. They was badly burned, but did not lose consciousness, Mrs. Tiley's screams brought her husband's mother to the room and the flames were speedily extinguished. A live near the house was shattered by the same boit.

Vineyand Hayse, Mass., Aug. 12.—A heavy tempest struck Martha's Vineyard this morning. A dwelling house at Vineyard Haven, owned by the same boit.

Vineyand Hayse, Mass., Aug. 12.—A heavy tempest struck martha's vineyard this morning. A free lear the house was shattered by the same boit.

Vineyand Hayse, Mass., Aug. 12.—A heavy tempest struck martha's vineyard this morning. Mrs. Bradiey's husband is engineer at the clearing in the storm which based over this vicinity early this morning. Mrs. Bradiey's husband is engineer at the electric ligh

damage.

SPARTASSBURG, S. C., Aug. 13.—Yesterday at Faranonat, four inless from here, Miss Janie Fowler and her brother William were struck by lightning and instantly killed. Two other members of the Fowler family were also struck, and their recovery is hardly possible.

The Fowler house, in which were at least a dozen people, was shattered completely, and those who were not killed were knocked pros-

Highest of all in Leavening Power.-Latest U.S. Gov't Report

Oyal Baking Powder **ABSOLUTELY PURE**

trate on the floor. An old negro woman living near filenn Springs was struck and killed out-right.

right.

Utica, Aug. 12.—During the thunder storm at Herkimer yesterday afternoon lightning struck the M. E. Church and set it on fire. The lightning rod on the steeple took the electrical charge, but did not carry it to the ground because the rod was disconnected near the base of the steeple. At that place the current entered the beifry and caused a biaze. The fire was extinguished. The building was also struck last Tuesday by lightning. tinguished. The building was also struck last Tuesday by lightning. Allen Freeman of Mohawk, 30 years of age, was struck by lightning and instantly killed was strice by lightning and distinct, secretary afternoon.

Kinoston, Aug. 12.—Perry Stein of Alligerville last evening rose from his hed to close a window during a thunder shower, and as he did so a flash of lightning struck him, causing instant death. The house was not damaged.

TWELVE HORSES BURNED TO DEATH Two Cats Killed by Lightning Under Kitchen Stove.

In Jersey City lightning struck a barn wned by the Woodstock Company at the foot of James street, on the west side of the town, setting fire to the building. There were fifteen horses in the barn when it was struck. Four horses were rescued from the burning building. but the other eleven animals were lost in the flames. The loss is estimated at \$3,000.

The storm was one of the severest in the history of Hunterdon county, N. J. The large barns of R. L. Brewer at Baptistown, the build-ings of David C. Crammer, near Annandale, and John Wolverton's barn at Pattenburg were struck by lightning and burned to the ground, with all the summer's harvests and valuable machinery. Anthony Melick's buildings, near machinery. Anthony Melick's buildings, near New Germantown, were also struck and burned with their contents, including a valuable borse. John White's residence was struck and badly damaged. Here the lightning ran down the chimney, knocking the kitchen stove to pieces and killing two cats which lay under it. Two large barns in Warren county were destroyed and two horses and a cow killed. A. S. Case's large carriage factory at Three Hridges was struck, damaging the building and contents.

ABELL'S SMELLING COMMITTEE. Its Chairman Again Emphasizes His Disre-

gard of Newspaper Comment. ALBANY, Aug. 12.-Chairman Abell was the

only member of his smelling committee to appear this morning to resume the investigation of the Regents of the university. Assemblyman Finn arrived in time for the afternoon session. Chairman Abeil, before taking up lesser matters, announced that "the committee would run the investigation." He repeated his disregard of newspaper comment, and, with dramatic intonation, he asserted that after he had adjourned the committee he would go where and do what he pleased, no matter what the newspapers had He then called Secretary Dewey to the stand.

and from 11 A. M. to 1:30 P. M. Mr. Dewey explained and denied the charges made against him and the Regents of trying to oust the octogerarian State Geologist, Dr. Hail, from his office. He flatly denied the statement alleged to have come from Dr. Hall, that a letter to George William Curtis from the State Geologist. in which he asked to be relieved of the office of Director of the State Museum that he might devote his whole time to the paleontology of New York, was borrowed by him (Dewey), and laid before the Regents as Dr. Hall's resignation three years after it was written. Secretary. Dewey declared that Dr. Hall himself brought the letter to him and said his sentiments had not changed, and that he wanted it laid before the Regents: that old as he was he would turn a double somersault for joy if he was freed from the care of the museum. All this was in rebuttal of the charges that Secretary Dewey wanted Dr. Hall removed as Director of the State Museum, in order to put his friend, Dr. Merrill, in the place, Secretary Dewey de clared under oath that he opposed Dr. Merrill's appointment.

Dr. Merrill and Dr. Hall were both present by nvitation of Secretary Dewey. Dr. Hall before the recess asked to be heard later. He is expected to be on hand to-morrow. editor of the new Republican paper which published a compilation of all the old stories against Secretary Dewey was subported to tell what he

The financial system of the department was the afternoon, and Secretary Dewey explained one of the six large departments, each with its separate appropriations and expenditures, whose printing bill is \$6,831 a year. Secretary lewey said it was the boast of the Regents that they never overran their appropriation. Even the committeemen were impressed with the perfection of the system, but it wearied them, and they adjourned in time to catch an afternoon train for Saratoga.

they adjourned in time to catch an afternoon train for Saratoga.

Assemblyman Finn is disgusted with the parsimony of the Republican State Comptroller, and his refusal to allow him, as one of the Abeli smelling committee, to charge up his weekly washing bill. Mr. Finn said in fine scorn:

"I was asked would I not have to have my washing done any way? Of course I would, and I told him I would have to est, any way, and did he expect me to stop eating while on the committee?"

did he expect me to stop eating while on the committee?"

Chairman Abeli announced to-day that after finishing the Regents and the Civil Service Commission, the committee had several other departments to examine, among which were the Niagara Reservation Commission, possibly the Board of Claims, some of the State hospitals, and the Secretary of State. Counsel Myer Nussian the Secretary of State. baum has not been seen since the one session he

TAMSEN WANTS WISE COUNSEL. Gets His Case Put Off so that He Can Get

Time was up vesterday in the matter of the filing of a demurrer to the two indictments against Sheriff Tamsen, who was held criminally responsible for the escape of the Post Office burgiars, Killoran, Allen, and Russell, from Ludiow street jail on July 4. Sheriff Tamsen did not appear in the General Sessions. He was represented, however, by Internal Revenue Collector Edward Grosse, who has been specially engaged as counsel in the case. The Sheriff has entered a plea of not guilty to the indictments, with the privilege of withdrawing it and demurring. Lawyer Grosse asked the Recorder to extend the time of filing

the demurrer until Sept. 3. "I ask for this extension of time," said Law yer Grosse, "in order to consult eminent counsel who are not in town; some are in the country and some in Europe, and will not be back until the latter part of this month. I find that all the eminent authors and commentators are out of advice. I do not want to take the case unless assisted by learned counsel; therefore I ask for

assisted by trarned counset; therefore t as a farmore time."

Acting District Attorney Lindsay said he had no objection to interpose.

The Recorder then asked Mr. Grosse how long an extension he desired, and the latter said Sept. 3 would sait. This was granted. Lawyer Grosse said afterward that there were no lawyers in town eminent enough to undertake the Sheriff's defence. He has had considerable experience in criminal practice himself, having been an Assistant District Attorney at one time, but still he did not think he was capable of conducting the Sheriff's defence alone. Three Bays to File Lists of Election Officers

The Police Commissioners have given notice that the list of persons qualified to be election officers to serve at the coming election must be Thursday next, on which date the time allowed by law will expire. The regular Republican party organization and the Tammany Hall Democratic organization are the only parties to have election officers this year. Five thousand five hundred and sixty-four of the election officers will be Tammany men and a similar number Republicans. Each party will have two inspectors of election, one poll clerk, and one ballot clerk in each of the 1,391 election districts. BOWLER'S ATTITUDE APPROVED. Ex-Comptroller Lawrence of Ohio Says Ho

Has Not Exceeded His Powers WASHINGTON, Aug. 12,-No decision is expected from Comptroller Bowler in regard to the payment of the sugar bounty claims for some time, probably not before the return to the city of Secretary Carlisle, which will be about the 1st of September. The general impression is that the Comptroller will take the position that his action has already indicated, wiz., he will decline to approve the warrant for the bounty to the Oxnard Beet Sugar Company, and the case will have to go to the courts for determination.

A communication is published in the Times this morning from the Hou. William Lawrence of Bellefontaine, O., for a number of years Comptroller of the Treasury, in which he approves the attitude assumed by Mr. Bowler. In doing this Mr. Lawrence antagonizes the po-sition of Mesers. Teller, Lamar, and Hoke Smith, Secretaries of the Interior, which was quoted by Judge Semmes in his argument before Mr. Bowier on Saturday. They agreed in instructing a subordinate official of the department over which they presided that it was his duty, as it was that of any executive officer, to carry out the terms of a law as he found it Judge Lawrence's communication traverses the argument made last week by Senator Banchard, and in the course of it he says;

"Whenever the exercise of that power requires an executive officer to pass on the sonstitutionality of an act of Congress, his authority is necessarily as ample within the executive domain as is that of a court in cases in the judicial domain. The Constitution itself is a lawthe highest law and the Comptroller is bound by his official oath to support it as the highest law, over and above any attempt by Congress, in the form of a statute, to repeal, annul, or dis-regard any of its provisions. The conclusion is inevitable that the Comptroller has just as ample power to decide on the constitutionality of an act of Congress in the allowance of claims

of an act of Congress in the allowance of claims as a court has in other matters within its opposite jurisdiction.

"If an act of Congress is passed to pay a class of claims which the Constitution declares cannot exist against the Government, such claims are not 'warranted by law. The statute has are not 'warranted by law. The statute has thus expressly invested the Comptroller with the power and made it his duty to decide whether they are so 'warranted.' This power is as much an executive function for executive action as a similar power in courts is a judicial function in cases over which they have jurisdiction. It was inview of this that Mr. Medison said in the first Congress that the duties of the Comptroller 'partake of a judiciary quality as well as executive. The principal duty seems to be deciding upon the lawfulness and justice of claims.' And the Supreme Court, in Watkins vs. the United States is Wall, 764), refers to the duties as requiring 'intestigent scrutiny' and 'decision.' Here, then, are recognitions of the unqualified power of the Comptroller to judge, asfully as a court can, of every question arising upon the right of a claimant, including the constitutional valuity of the act of Congress under which the claim is made. And this power is so ample and unimited that it is well settled that no court can by mandamus, mandatory injunctions, or otherwise, interfere with or control the exercise of the power.

"Congress and the President together could

power.
"Congress and the President together could abolish the office of Comptroller just as the "Congress and the President together could abolish the office of Comptroller just as the States could abolish the office of Senator. But while the office of Comptroller exists with its present powers, neither the President nor a committee of the Senato nor Congress can interfere with the Comptroller in the discharge of his duties. Even a Senatorial juvestigation could not terrify a man fit to be Comptroller into either the allowance or rejection of a claim. "There was another investigation in Coopress to which the Senator has not alluded. It was that growing out of a controversy between the headof a department and a Compstoller, which resulted not to the discomfort of the Comptroller, but did result in the act of March 30, 1868, which, yet in force, makes the allowance of a claim by the Comptroller 'conclusive upon the executive branch of the invernment, but, of course, subject to the power of Congress to refuse an appropriation to pay it or revise it."

AUTOMATIC ROAD CARRIAGES.

Proved to Be the Best Propelling Agent, WASHINGTON, Aug. 12.-The time seems approaching when automatic road carriages, propelled by steam, electricity, or petroleum, will come into general use and take away from the at any minute. patient horse the worst part of his daily toil. of petroleum. A most interesting competition examined by Chairman Abeli and Mr. Finn in has recently taken place in France between by a species of card index system, it was made possible to tell in a moment the condition of any possible to tell in a moment, or the year in any a distance of 358 miles, and back a distance of 358 miles, and back again, any vehicle to stand disqualified if it consumed more than 100 hours on the road. The big prize of the day (\$7,729) was won by a four-seated carriage, while the second prize was won by a two-scated carriage, making the round trip in 24 hours and 53 minutes. The winning carriages were propelled by gasoline, and the rate of speed was about fifteen miles an hour, which is regarded as an extremely creditable performance, the long lines of hills being | Postmaster-General Wilson Returns to taken into account. These hills appear to have taken into account. These hills appear to have proved too much for the carriages propelled by electricity, of which only one got through, the others having abandoned the contest.

One of the steam carriages was brought to a standard at the steam carriages was brought to a standard at the others lost time by frequent stoppages of five and ten minutes made for the purpose of taking in coal and water. The electrical conveyances and also to stop from time to time to renew their dynamitic charges, but the petroleum machines carried enough force for a twenty-four hours rim, and on the return journey the run was made without a single stop.

In comparing the merits of the different propelling agents, the pain musi, so far, be awarded to petroleum, which is clean and can be easily carried. The ordinary feeder used for short distances contains less than four quarts of cil, which will last a journey of twenty miles, or two and one-half hours. For long distances, a receptacic capable of holding enough petroleum for a run of at least twenty or twenty four hours is provided.

Cycles propelled by petroleum have also excited great interest, and half a dozen of such machines started in the race at Hordeau, one at least holding its own among the larger vehicles. It is believed that light petroleum bicycles, trievices, and even four-wheelers, will soon come into general use, which the Consul says will tend to relieve lady cyclists troop the necessity of wearing short skirts. proved too much for the carriages propelled by

Howard University.

WASHINGTON, Aug. 12. The annual report of Howard University, the institution for colored students, maintained partly by the Government at the national capital, was fired to-day with the Secretary of the Interior by Dr. J. E. Rankin, The calendar of the institution showed the attendance last year of 587 stw-lents from forty-two different States and from the West Indies and Central America. In the theological department, supported by the American Missionary Association, there were illestudents, of whom it graduated. In the medical department were 200 students, including 13 phermacenteal, 13 dental, and ab training to become nurses. In the law department, of which the United States this year undertakes the entire support, there were 33 students, with 12 graduates, and four post-graduates. The curriculum is extensive and varied. Students also received instruction in nuise, carpentrs, tinning, printing, book binding, and sewing. showed the attendance last year of 587 students

Presidential Postmasters Appointed. WASHINGTON, Aug. 12.-The President bo-day appointed the following-named Postmasters: proportied the contowing-named Postmasers: Femosystania—Jame F. Hollister, at Mount Germel, the Issae F. Hollister. Texas—O. D. Baker, at Uvalde, vice M. L. Stration. Massachusetts—John F. Herliby, Jr., at Monsas, vice J. W. Parrington. Nebraska—Ida B. Morse, at Atkinson, vice A. L. Horse.

When Baby was sick, we gave her Castoria-When she was a Child, she cried for Castoria. When she became Miss, she clung to Castoria. When she had Children, she gave them Castoria. NEW HURRICANE SIGNAL

PATHER DUNN GETS PERMISSION TO USE ROCKETS.

To Be Fired from the Weather Bureau Tower to Give Quick Warning at Night of the Coming of Destructive Storms-Some Other Signals and Suggestions,

The Weather Bureau has adopted an innovation In the way of signals and hereafter in giving warning of hurricanes, or of unusually severe storms dangerous to navigation it will give a brilliant display of fireworks in the shape of rockets. The idea is one of Elias B. Funn's. Yesterday he received a letter from Prof. Willis L. Moore, chief of the Weather Bureau, at Washington, sanctioning it, and saying that further consideration will be had as to the use of rockets as cold wave and frost warn-

Mr. Dunn when seen at his office at 66 Broadway, said: "I have just returned from a visit to Mr. Pain, who is at present engaged in manufacturing special rockets for this department. They will be of the stickless, mortor-bomb variety, which ascend to the height of 400 to 500 feet before exploding. In the ascent they resemble a ball of fire, bursting, which they do with a loud sound, they emit numberless lurid sparks, which continue to burn until they reach the ground. One of Mr. Pain's experienced men will attend to the setting off of these rockets or bombs from the top of this building, so as to obviate any possibility of premature explosions which might endanger the windows of the surrounding high buildings. They will of course b set off at night only.

"At present we exhibit a hurricane signal in the daytime, which consists of two square red flags with black centres, placed one above the other, and the newspapers, of course, publish warnings, but many vessels which lay out in the harbor fall to receive the newspapers in time and disregard the flags, but the fireworks cannot fail to impress them all, with the necessity of proceeding with caution, should they be contemplating an immediate clearance of

"These rockets will be adopted all along the coast and to further the efficiency of the department, we have arranged with nearly all the coast line steamships to fly hurricane flags from their masts. When a severe storm is approaching, these vessels will be appraised of the fact, and they will immediately display the signal, carrying with it warning to other vessels coming up or slower vessels going down the coast. Among the lines which will display the flag signal may be mentioned the Clyde, Plant, Mallory, Pacific Mail, and Ward lines as well as all Government vessels, and those of the Chapman Wrecking Company.

"Signals will also be shown from Sandy Hook, City Island, North Brother Island, Bath Beach, Perth Amboy, the Highlands, and Long Branch, so there will bereafter be really mo excuse for any Captain or commander in charge of a vessel along the coast who is not charge of a vessel along the coast who prepared for severe storms for some ti-vious to their arrival

prepared for severe storms for some time previous to their arrival.

"The second paragraph in Prof. Moore's letter, in which he says further consideration will be given to the use of rocyets as cold wave signals is in answer to a suggestion of mine to show rockets in Southern States like Florida, where sudden and unannounced frosts prove so destructive to crops, and expecially to the orange groves. Many of the farmers and orange growers in Florida live far inhand and are not in a position to obtain any forewarning of the approach of frosts. If they receive notification of the approaching cold wave, they could easily protect their trees from injury by preparing bonfires at intervals around the groves and by smothering the fires produce a great deal of heavy smoke which prevents frost in the same manner as clouds do.

"Thousands of dollars a year could be saved Thousands of dollars a year could be saved

in this manner if the growers received proper notification in advance. Green-colored rock-ets could be used to distinguish them from the storm signals, and they would attract even more attention down there than up here where we are more accustomed to fireworks."

CLERK HUSBAND DYING. His Fatal Injuries Received in a Republican Factional Fight.

WASHINGTON, Aug. 12.-It is reported to-day that John L. Husband, a clerk serving under the Sixth Auditor of the Post Office Department, and a local Republican leader in the adjoining Maryland district, is lying critically ill . joining Maryland district, is lying critically ill as the result of an assault provoked by the bitter factional fight which has been razing for some time in Montgomery county. Grave doubts are entertained as to the patient's recovery. He was struck on the head with astone by a negro named Weils on Aug. 3 at the primary election for delegates to the State Convention. Husband was unconscious for a day or two, and then seemed to recover from the effects of the blow, but subsequently he had a relaise, and his friends fear a fatal termination at any minute.

The olds at present seem to be rather 17 favor A Tank to Test the Models of War Ships, WASHINGTON, Aug. 12. A practical step toward assisting the construction department various specimens of motor carriages, which of the navy to decide important questions concerning the displacement of war ships to be built has been taken by Chief Constructor Hichbuilt has been taken by Chief Constructor Hich-born. He has ordered Constructor Ferguson to prepare an experimental tank at the Washing-ton Navy Vard, in which models of vessels may be tested. For many years attempts have been made to induce Congress to appropriate suf-ficient money for the purpose, but all these fadied, and Commodore Hichborn has decided to go ahead with what money be can snave from his construction fund. The tank will be 70 feet long, 36 feet wide and 12 feet deep. Models of battleships five and six will be first testes!. Such tanks are now used by Great Britain, Ger-many, Italy, France, and Russia with valuable results.

WASHINGTON, Aug. 12. Postmaster-General Wilson returned to Washington to-day from Long Branch, N. J., where he had been the guest of ex-Congressman Isidor Straus. After guest of ex-Congressman Isidor Straus. After he arrived at the department the Hon. Benjamin Butterworth again appeared before Mr. Wilson and further argued against the legality of the action of the department in issuing fraud orders against the bond investment companies. As-sistant Attorney-ficheral Thomas wil follow Mr. Butterworth in support of the department's action, and then a decision will be made by the Postmaster-tieneral.

Medal of Honor to a Brave Bugler. WASHINGTON, Aug. 12. A medal of honor vas te-day awarded to Charles W. Reed, Chief Bugler of the Ninth Independent Battery of Massachu etts light artillery for "most distin-guished gallantry in action" at the battle of tettysburg July 2, 1865. Bugier fired remained on the field with the commonding officer of his battery, who had fallen, twice wounded, and while supporting him on his orderly's horse, upon which he had been assisted, guided him safely between two fires into the Union lines.

Army Orders. WASHINGTON, Aug. 12.-The following army orders have been issued:

A general court martial is appented to meet at

Whippie Barracks, Ariz, for the trial of such persons of an inch, the bid rainfall; as may be brought before it. Detail for the court, from the Eleventh Infantry; Capts Frasmus C. (dibreath. Disturbances of a similar Le II. Brown, First Licuts, Locenzo T. Invision,
Zebulon B. Vance, and colon digrovits. Second Licuts.
Oliver Edwards, John W. L. Pullips, and Edgar F.
The narrowave is beginning to weaken.
The narrowave is beginning to weaken.

A general court martial is appointed to most at Fort Thomas, Ky., for the trial of such prisoners as may be brought before it. Iterate M. Richer, V. Riche

Physician Browned While Bathing. ATLANTIC CITY, N. J., Aug. 17. Dr. F. L. Halzlen, who resided in Philadelphia, while bathing in the surf to-day was seized with appoplexy and drowned before assistance came.
With a party of friends he had been camping at Chelsea since July 25. The body was resovered.

A trial loss, Succest size, with directions for home attention and an illustrated took on piles. See, prix 25 cents. Sent to any one of receipt of name, address covered.

DR. JAMISON, 43 West 45th 84. N. Y. Gap.

Advertigement,

A BREACH OF PROMISE CASE

Wherein a Millionaire's Handsome Reckless Young Son and a Little Milliner, Whose Face Was Her Fortune, Figure Prominently.

A good story is told of Lawyer Erastus Mar-vin, as to why he was not in court bright and early yesterday morning to open out the suit in the sensational trial of Millionaire Ennis's son, in the famous breach of promise case now pend-ing before Judge McAllyn.



LITTLE BEAUTY, WHOSE FACE WAS HER FORTUNE IN THE ENNIS BREACH OF PROMISE CASE.

THE LITTLE BRAUTY, WHOSE FACE WAS HEN FORTUNE IN THE ENNIS HEACH
OF PROMISE CASE.

It appears that Sunday afternoon a messenger boy brought to his house a marked copy of the book, "When His Love Grew Cold," accompanied by a note stating that he might get a few pointers for his case by reading a certain page, which referred to Gabrielle, the gay young widow, when she makes the compact with the handsome, reckless young millionaire to live for love alone, acc. Lawyer Erastus Marvin never does things by halves—it would certainly do him no harm to look the book over, he argued. He commenced at the beginning; page after page was quickly devoured; he would not go down to tea; he read long after the members of the family had closed up the house and retired. The novel proved so intensely fascinating to the astate lawyer that he determined to know all about Henriella, the "good" girl, and Gabrielle, the "bad" girl, being highly amused at the feast scene, where the favored cavalier took the fewelled buckled slipper from the foot of gay down the book by the time he had reached the chapter which described the famous yacht race, which was sailed to decide the right to a beautiful woman's favor. It was broad daylight when Lawyer Marvin closed the book and threw himself down on the sofa in the library for a short nap before breakhast. Not finding him in his apartment above, the family concluded he had hurried off without breakfast. No one dreamed of looking for him in the library. There he was found at high noon fat alseep, with the case went over. It is safe to predict Lawyer Erastus Marvin will never commence one of Laura Jean Libbey's novels again when he has an important case on the docket for the next morning.

TAILORS' STRIKE FRAGMENTS. The Brotherhood of Tailors to Call Of the Strike To-night,

A meeting of the joint executive committee of the Brotherhood of Tailors of New York. Brooklyn, and Newark will be held at 30 Suffolk street to-night, at which the strike will be officially declared off.

If any attempt was made at an organised

lock-out yesterday it was a failure. All the tailors whose employers had settled had been notified by the Executive Committee of the union to report promptly for work yesterday norning. This they did, and so far as could be learned they were all at work during the day. Meyer Schoenfeld said yesterday that only

about 150 of the original strikers were still out. Thirteen more contractors signed the agreement

Thirteen more contractors signed the agreement yesterials.

It was reported at the headquarters of the sirtkers in 30 Suffolk street yesterday that committees of contractors visited the shops on Sunday and tried to get the contractors to close yesterday. A committee, headed by a man named Slegel, went to Contractor Resenberg's shop on the same errand on Sunday, and were ejected forcibly. Slegel then, it is alleged, went to several police stations with a complaint that Rosenberg's hands were working on Sunday. No interference with them took place.

Gaing to See Compers and McGnire Of. When Samuel Gompers and P. J. McGuire, the delegates of the American Federation of Labor to the British Trades Union Congress. sail for Europe to-morrow on the Berlin, about sall for Europe to-morrow on the Berlin, acoust 100 officers of labor unions will escort them down the lay on board of the little steamboas Rosa. A brass band will also go with them. In addition a large delegation of labor union people will be at the American line wharf to see them off.

A reception will also be given to Gompers and
McGuire to-night, at the rooms of the Social
Reform Club, 88 Second avenue.

RED MEN IN COUNCIL.

Beginning of a Three Days' Ser

The Great Council of New York of the Improved Order of Red Men met last night in the assembly hall of Tammany Hall, and the degree of l'ast Sachem was conferred upom about 250 members of the council by Great Sachem S. Jay Ohart, assisted by Past Great Sachems George Ohart, assisted by l'ast Great Sachems George
T, Williams and A. P. Corbin. This was the beganning of a three days' session which will be
held in this city.
To-day's session will be held in Tammany
Hall at b o'clock, and Mayor Strong will deliver
the address of welcome to the delegates.
On Wednesday the Council will hold a busimees meeting, and then there will be a banquet
in Lyric Hall.

Sneak Thief Schmidt Held for Trial.

In the Yorkville Police Court yesterday Mrs. Margaret Brennan of 9 West Seventieth street, the wife of the proprietor of the Hotel San Remo, was complainant against John Schmidt, a sneak thief, whom she charged with having stolen 860 worth of silverware from her diving stolen 300 worth of silverware from her diving-room table last Saturday. A servant found Schmidt collecting the silver and putting it in his pecket. He sprang out of the front window, but was captured by a policeman. He was held yesterday in \$1,000 buil for trial. Schmidt is 25 years old, and lives at 324 East Twenty-fourth street.

State Officers Crowded Out of the State

Capitol by Outsiders. ALBANY, Aug 12.-The State Prison Commis sion appointed recently by Gov. Morton, under chapter 1,026, Laws of 1895, has applied for quarters in the Capitol. There appears to be no place for them and other State officers, while the State Bar Association, the G. A. R. Depart-ment of New York, and the officers of the Third frigade of the National Guard all have rooms in the Capitol, and get their rent, heat, and light

Heavy thunder showers and an electrical distushance passed from west to east directly over this city early yesterday merning. The heaviest part of the storm lasted from 12 29 A. M. to 8 20 A. M., in which time the lightning was very sharp and brilliant and the thumler very load. The rainfall amounted to 54 of an then, the total rainfall, including showers which

Disturbances of a similar character occurred over northern New York and the New England States. As Northileid, Vt., the rainfall measured 2.04 inches. Chear weather prevalled quite generally over the in-

thearing weather prevailed in this city after the morning showers, aithough a light fog settled over the

A trial hox. Succest size, with directions for home attention and an illustrated took on piles, &c., price 25 cents. Sent to any one on receipt of name, address

posed of. I may be mistaken, but I think if you look up the calendars of the General Seasions for years back you will notice that a large number of excise cases were always put down for trial shortly before election.

"The saloon keepers are only hurting their cause by their persistence in violating the law. There are many men in public life without political ambition, who are in favor of a more liberal excise law, and in fact I favor one myself, but when the saloon keepers array themself, but when the saloon keepers and opportunity of imposing their \$200 fine and forty days imprisonment on a saloon keeper who has violated the law since Aug. 1.

THE TWELVE INDICTED MEN.

THE TWELVE INDICTED MEN. The ration keepers indicted vesterday were: The Sation Respers indicted vesterday wor-John J. Brock, 136 West Furty ninth street. Michael A. Braun. 15 Stanton street. Michael A. Braun. 15 Stanton street. James Donneily, 410 East Swenty eighth street. Augustus Elder. 529. West Fifty first street. Joseph Keegan, 234 West Forth seventh street. George Kramer. 1, 248 Second avenue. George Kramer. 1, 248 Second avenue. Martin Logan, 319 Hudson street. James Lanham, 118 Second avenue. Bernard McCarry. 348 Tenth avenue. Bernard McCarry. 348 Tenth avenue. James Ryan, 427 Tenth avenue.

Two complaints were dismissed. POLICE TOO ZEALOUS.

Magistrates Fall to Sustain Some of Their Excise Arrests. The total number of excise arrests made by

on the preceding Sunday. Acting Chief Conlin said yesterday: "Notwithstanding the reports that it was a wet Sunday, I assert that it was pretty dry all over the city. The police did well, and we expect to get 75 or 100 warrants for the arrest of persons who violated the law and against whom

evidence was obtained by civilians," John Noonan, Steve Brodie's bartender, who was arrested on Sunday, was arraigned before Magistrate Cornell in the Tombs Police Court resterday on the charge of violating the Excise

law in Brodie's saloon, 114 Bowery. Policeman Weickman, who made the arrest, said the bar was partly exposed.

"The magistrates have decided," said the Court, "that the presence of bottles on shelves in their usual manner does not constitute ex-posure." postre."
"There was a cloth in front of the bottles,"
put in Lawyer Dineen, who defended Noonan,
and Weickman or some other officer tore it

down."
Welckman said that there was a place in the cloth through which to slip out a whiskey bottle.
The bartender was discharged. William O'Hare, who was arrested in front of Brodie's sailoon for causing a crowd to collect, was also O'Hare, who was arrested in front of Brodie's saloon for causing a crowd to collect, was also discharged.

Magistrate Kudlich, in the Yorkville Police Court, dismissed the case against Charles Murphy, brother of Alderman Murphy, who was arrested Sunday by order of Capt. Smith of the East Twenty-second street station for violation of the Excise law. When the case was called in court Roundsman Shoa testified that he found the doors of Murphy's saloon, at Twenty-third street and Avenue A, open on Sunday afterboon, and signs posted outside that lee water was being given away free to all inside the saloon. He went into the saloon and found several men there drinking ice water. He ordered Murphy to close the saloon and the men to leave. Murphy refused to obey and he was arrested. While the officer was telling his story Magistrate Kudlich stopped him, saying:

"There is a law that stands over Capt. Smith. You acted improperly in going to this man's place; you acted under the order of the Captain. The Captain is responsible. Do you think the police can take away the rights of the people? There was nothing exposed for sale there. The case is dismissed."

police can take away the rights of the people? There was nothing exposed for sale there. The case is dismissed."

Magistrate Wentworth handed down a decision yesterday in the case of Louis Oschinfsky, a waiter in Sulzer's Harlem River Park, who was arrested on Sunday, July 14, for violation of the Excise law. The decision holds Oschinfsky in \$100 bail for trial in the Court of Special Sessions on the ground that the evidence showed the beer sold by the prisoner to have contained the principle of intoxication, and in the face of that fact he, as a committing Magistrate, would not assume to discharge the prisoner. The liquor sold, when analyzed by Dr. Wyatt two days after the sale, was found to contain 2.8 per cent. of alcohol. The analysis by Prof. Herry of the Board of Health six days after the sale showed the presence of 4.3 per cent. of alcohol, the increase being attributed by expert testimony to fermentation. The testimony also set forth the statement that the beer was not an intoxicant at either stage of fermentation, the human stomach being unable to hold a sufficient quantity of it to inebriate.

BROOKFIELDER SCENTS FRAUD. Warns Tammany Men Not to Vote With

Solomon Oppenheimer, a Brookfield Republican leader in the new Twenty-eighth Assembly district, sends a letter to THE SUN suggesting that Tammany Democrats may be called on to assist unscrupulous Republican leaders to carry the Republican primaries for the election of delegates to the State Convention. In sounding this warning Mr. Oppenheimer notes that the laws regulating primary elections provide severe penalties for violations thereof, and

makes this declaration: "Apropos of the discussion regarding the en forcement of laws by the Police Department of this city, it may not be amiss for me to state upon good authority, that these (the primary election) laws will be vigororously enforced

election) laws will be vigororously enforced at the coming Republican primaries and Conven-tions in this city.

"There is not a shadow of a doubt," he says,
"that in many election districts the number of delegates to an Assembly District Convention is uniawfully increased by certain politicians who solicit and obtain Tammanyites to enroll their names as Republicans and connive at their vot-ing at Republican primaries. This conclusion is irresistible from the fact that the number of Republican youes cast in some election districts Republican votes cast in some election districts on election day is far less than the number en-rolled."

Commenting on Mr. Oppenheimer's letter, a Lauterbach Republican leader said last even Lauterbach Republican leader said last evening:

"Sol is merely manufacturing an excuse for the defeat of the Brookfield crowd in the Conventions for the election of State delegates. The Brookfield men will be lucky if they get a third of the delegates to be elected from this city. A good excuse for their defeat would be that we beat them with Tammany votes. We don't have to employ Tammany votes for that purpose. It will be too easy to do it without them. I would also like to call Mr. Oppenheimer's attention to the fact that he election districts which did not poll as many Republican votes as there were supposed Republicans enrolled in the district at last fall's election were in the First and Second Assembly district, in both of which are Brookfield leaders. If the rolls were swelled in these districts by the enrollment of Tammanyites Mr. Oppenheimer's friends were to blame."

Quay's Fight. BLOOMFIELD, Pa., Aug. 12.—The Perry county

Republicans held their Convention to-day and an Administration delegate was elected to the State Convention.

MIFFLINTOWN, Pa., Aug. 12.—The Juniata ounty Republicans held their Convention today and the county's two delegates to the State Convention were instructed to vote for Hastings for Chairman of the Convention and Quay for State Chairman. Ex-Congressman Atkinson was endorsed for Superior Court Judge and McKinley for President.

dustice Williams for the Court of Appeals, WATERTOWN, N. Y., Aug. 12 .- A meeting of can organization of this (Jefferson) county, was held to-night to endorse the nomination of Jus-tice Pardon C. Williams for Associate Judgo of the Court of Appeals. Speeches were made by the Hon. A. D. Shaw, the Hon. Elon H. Brown, and others. Resolutions were unanimously adopted urging the candidacy of Justice Williams.

Did He Get His Job by Bribery !

District Attorney Ridgway of Brooklyn has een asked to have the recent appointment of Louis Perry as an Italian court interpreter by the Supervisors investigated by the Grand Jury. It is alleged, in affidivits laid before him, that Perry had to pay William J. Blaney, the President of a district Republican association in the Twenty-fourth ward. \$100 for using his political "pull" in securing the Job. It is alleged that he agreed to contribute \$200 more to get the votes of two or three Supervisors.

The resignation of former Detective Sergeant Charles Jacob, who handed in his shield at the Kingsbridge police station, where he was ordered to report for patrol duty on Sunday night, came before the Police Scard yesterday, but it was not accepted. It was referred to Commissioner Parker to report whether there were any charges against Jacob.

An Item in the Cost of the Eakins Tytal. Stenographer Frank Beard sent the Police Board a bill yesterday for \$3.881.50 for the

If you Lack Energy Take Horsford's Acid Phosphate.
It vitalizes the serves, helps digestion, feeds the
bridge the worth living. It is a medicine, a
tood, and a deticious beverage....dev.

minutes of the testimony taken in the trial of Capt, Eakins of the Mercer street station. The bill was referred to Commissioner Andrews.

LIGHTNING'S WIDE SWATH.